

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Helen Wong-Armijo)	
FCR, Inc.)	
Skybridge Spectrum Foundation)	
Telesaurus Holdings GB LLC)	WT Docket No. 16-385
)	
Applications for Extension and/or Waiver of)	
Construction Deadlines)	

**REPLY COMMENTS OF PUBLIC KNOWLEDGE AND
OPEN TECHNOLOGY INSTITUTE AT NEW AMERICA**

John Gasparini
Public Knowledge
1818 N St. NW, Suite 410
Washington, D.C. 20036
(202) 861-0020

Michael Calabrese
Open Technology Institute at New America
740 Fifteenth Street NW – 9th Floor
Washington, D.C. 20005

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I. Introduction

Public Knowledge and Open Technology Institute at New America (“PK and OTI”) submits these Reply Comments regarding the Commission’s Public Notice seeking comments regarding petitions by Helen Wong-Armijo, FCR, Inc., Skybridge Spectrum Foundation, and Telesaurus Holdings GB LLC, (collectively, “Licensees”), for service waivers and construction extensions relating to their Multilateration Location and Monitoring Service (“M-LMS”) licenses.¹ As in the case of PCS Partners’ requests issued earlier this year,² PK and OTI oppose any grant of extension or waiver for these licenses. The Licensees in this proceeding have similarly failed to make use of the extensions already granted them. Additional extensions would run contrary to past Commission holdings, and would not serve the public interest. Under these circumstances, the Commission should deny these Petitions.

II. Licensees Have Failed to Take Advantage of Ample Extensions Already Provided.

As outlined in detail in the Wireless Internet Service Providers Association’s (“WISPA”) comments, Licensees have already received several rounds of relief from what were originally five-year buildout requirements, imposed as early as 1999, when the first licenses were auctioned.³ Since then, four different sets of extensions have been issued, in some cases more

¹ Wireless Telecommunications Bureau Seeks Comment on Helen Wong-Amijo, FCR, Inc., Skybridge Spectrum Foundation, and Telesaurus Holdings GB LLC, Requests for Multilateration Location and Monitoring Service Waiver and Construction Extensions, *Public Notice*, WT Docket No. 16-385 (rel. Nov. 10, 2016).

² See Wireless Telecommunications Bureau Seeks Comment on PCS Partners Requests for Multilateration Location and Monitoring Service Waiver and Construction Extension, *Public Notice*, WT Docket No. 16-149 (rel. May 4, 2016); *see also* Comments of Public Knowledge, Consumer Federation of America, and Open Technology Institute at New America, WT Docket No. 16-149 (May 24, 2016).

³ Opposition of The Wireless Internet Service Providers Association at 3.

than tripling the original buildout windows.⁴ To date, no buildout has even commenced, much less advanced to a point that suggests a serious effort to meet any of the buildout requirements. Accordingly, PK and OTI agree that “in light of the repeated extensions granted to date and the lack of progress in deploying M-LMS facilities,” the FCC should reject Licensees’ requests for a **fifth** round of extensions.⁵

III. The Commission was Clear in 2014 that Additional Extensions Would Not Be Offered, As Indefinite Extensions Would Not Serve the Public Interest.

In 2014, the Commission ruled on the last round of extension requests filed by the M-LMS licensees. In doing so, the FCC ruled that “it would be contrary to the public interest to grant extension requests in perpetuity where our build-out requirements have not been met.”⁶ PK and OTI support this position, noting that buildout requirements only have any real force or effect in the marketplace when actually enforced. As ITRON, Inc. writes, “continuing extensions will encourage others with licensed but unused spectrum to disregard their license requirements.”⁷ Such behavior should not be encouraged or blessed by Commission action.

Given the lengthy history of extensions and absence of any meaningful progress on the part of these Licensees, PK and OTI urge the Commission to give effect to its buildout requirements in this case.

⁴ Id.

⁵ Id. at 4.

⁶ Request by FCR, Inc., Progeny LMS LLC, PCS Partners, L.P., and Wong-Armijo for Waiver and Limited Extension of Time, WT Docket No. 12-202; Request by Skybridge Spectrum Foundation and Telesaurus Holding GB LLC for Waiver and Limited Extension of Time, WT Docket No. 12-229, *Order*, 29 FCC Rcd 10361, 10368 (2014).

⁷ Comments of ITRON, INC. at 2.

IV. Conclusion

Additional extensions would not serve the public interest, and are not warranted. Public Knowledge and Open Technology Institute at New America agree with the unanimous views of commenters that these petitions should be denied by the Commission. Inovonics Wireless sums this situation up cleanly: “Given the history of failure by *every* M-LMS licensee, all of which have missed required deadlines, it is time to conclude that these licenses never will be used. The M-LMS Licensees should not be given yet more time to continue to sit on their licenses.”⁸

For the foregoing reasons, the Federal Communications Commission should deny Licensees’ Petitions for further relief from their buildout requirements.

Respectfully Submitted,

/s/ Michael Calabrese
Director, Wireless Future Project
Open Technology Institute at New America
740 Fifteenth Street NW – 9th Floor
Washington, D.C. 20005

/s/ John Gasparini
Policy Fellow
Public Knowledge
1818 N St. NW, Suite 410
Washington, D.C. 20036
(202) 861-0020

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⁸ Comments of Inovonics Wireless Corporation at 2.